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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 ESTATE OF KIM HA RAM, et al.,

9 Plaintiffs,

10 v.

11 RIDE THE DUCKS OF SEATTLE,  
12 LLC, et al.,

Defendants.

C15-1929-TSZ

ORDER

13 Having reviewed plaintiffs' response, docket no. 30, to defendants' motion for  
14 judgment on the pleadings, docket no. 26, the Court hereby CERTIFIES to the  
15 Washington State Attorney General, pursuant to Federal Rule of Civil Procedure 5.1(b)  
16 that a constitutional challenge to a state statute has been made in this case. This action  
17 arises from an accident occurring on the Aurora Bridge on September 24, 2015, involving  
18 a large tour bus and a tour vehicle commonly known as a Duck. The decedent's South  
19 Korea-based father serves as the personal representative of the estate, while both he and  
20 his wife, the decedent's mother, additionally bring individual claims.

21 Defendants moved for judgment on the pleadings as to the parents' individual  
22 claims for wrongful death on the basis that Washington's wrongful death statute, RCW  
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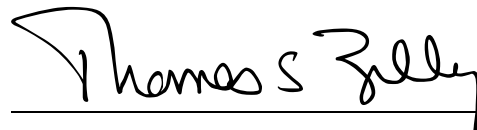
1 4.20.020, bars wrongful death claims by non-resident parents. Plaintiffs contend that  
2 RCW 4.20.020, .046, and .060 violate the federal and state constitutions.

3 Pursuant to Rule 5.1(b) and 28 U.S.C. § 2403, the Court hereby certifies to the  
4 Washington State Attorney General that a constitutional challenge to a state statute has  
5 been presented in this case. The Attorney General may intervene in this matter within  
6 60 days after the notice is filed or after the Court certifies the challenge, whichever is  
7 earlier. Pursuant to Rule 5.1(c), the Court may reject the constitutional challenge before  
8 the time to intervene expires.

9 The Clerk is directed to send a copy of this Order to all counsel of record and to  
10 the Office of the Attorney General, 1125 Washington St. SE, PO Box 40100, Olympia,  
11 WA 98504-0100.

12 IT IS SO ORDERED.

13 Dated this 11th day of April, 2016.

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16 Thomas S. Zilly  
17 United States District Judge  
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